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PLEASE REPLY TO:

July 6, 2011

Yolanda Carbia  
Resident Agent In Charge  
Florida Department of Law Enforcement  
3333 NE 39 Avenue (ACDC)  
Gainesville, FL 32609

Re: Robert Nodine  
FDLE No. GA-27-0014  
Case No. 01-2011-CF-2201-A

Dear RAC Carbia:

This will acknowledge receipt of FDLE's Investigative Summary and related materials concerning the incident of May 18, 2011, at the High Springs Community School, in which High Springs Police Department Sgt. Chuck Harper and Alachua County Sheriff's Office Deputy Brian Phillips were involved in a shooting resulting in injury to Robert Nodine.

I have reviewed the FDLE investigative reports and background material, as well as information provided to my office by both the High Springs Police Department and the Alachua County Sheriff's Office related to this incident. Additionally, I have looked at reports from DCF providing background information. Assistant State Attorney Adam Urrea and I have also met with and interviewed multiple witnesses and inspected physical evidence at the High Springs Community School.

Based on all of that, it is my conclusion that the actions of Sgt. Harper and Deputy Phillips constituted a lawful use of deadly force in legitimate self defense and defense of others. Both Sgt. Harper and Deputy Phillips are instead witnesses against Robert Nodine for a variety of felony offenses he committed in this incident.

Because of his current medical condition and uncertainty as to his prognosis, formal charges have not yet been filed against Nodine, although I anticipate that my office will do so shortly in order to preserve issues such as speedy trial. The case against Nodine will be handled by Assistant State Attorney Urrea, who you should contact if you have any questions. By copy of this letter, I am advising High Springs Police Department Chief Jim Troiano and Alachua County Sheriff Sadie Darnell of my conclusions regarding the actions of their officers, both of whom should in my view be commended for their handling of the incident in a fashion that avoided much more serious results, including potential harm to innocent bystanders.

Please let me know if you have any questions or concerns that need to be addressed. Otherwise, I appreciate the assistance of FDLE in this investigation and the thorough report that has been provided.

Sincerely,

William P. Cervone  
State Attorney

WPC/am

cc: Sheriff Sadie Darnell  
Chief Jim Troiano